

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

MICHAEL B. BROOKS,

Plaintiff,

V.

DAIMLERCHRYSLER FINANCIAL)
SERVICES AMERICAS LLC, et al.,)

Defendants.

CASE NO. 2:06-cv-00764-MEF

MOTION TO REMAND

COMES the Defendant, DaimlerChrysler Financial Services Americas LLC, and moves this Court for an Order remanding the case to the Circuit Court of Montgomery County, Alabama from which it was removed on the following grounds:

1. Defendant inadvertently failed to see that the Plaintiff had limited the amount of damages sought in his Complaint to \$74,500.00, regardless of what types of damages and what claims are being made against this Defendant. Because the amount in controversy is less than \$75,000.00, exclusive of interest and costs, there is no diversity jurisdiction under 28 U.S.C. § 1332. This case was inadvertently removed to federal court, and should be remanded by this Court, to the Circuit Court of Montgomery County, Alabama where it was originally filed.

2. The Plaintiff's attorney agrees with and consents to this Motion.

Respectfully submitted,

s/ C. Lee Reeves

C. Lee Reeves

Attorney for Defendant

DAIMLERCHRYSLER FINANCIAL SERVICES
AMERICAS LLC

OF COUNSEL:

SIROTE & PERMUTT, P.C.

2311 Highland Avenue South

Post Office Box 55727

Birmingham, AL 35255-5727

Tel.: (205) 930-5100

Fax: (205) 930-5335

CERTIFICATE OF SERVICE

I hereby certify that on the 28th day of August 2006, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following and I hereby certify that I have mailed by U.S. mail the foregoing to the following:

Christina D. Crow, Esq.
Jinks, Daniel & Crow
219 North Prairie Street
Post Office Box 350
Union Springs, AL 36089

Joseph G. Stewart, Jr., Esq.
Joseph G. Stewart, Jr., P.C.
Post Office Box 911
Montgomery, AL 36101-0911

s/ C. Lee Reeves

Of Counsel